

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
THIS DOCUMENT RELATES TO)	Hon. Patti B. Saris
ALL CLASS ACTIONS)	Chief Mag. Judge Marianne B. Bowler
_____)	

**THE TRACK 1 DEFENDANTS' EMERGENCY MOTION TO COMPEL PLAINTIFF
BLUE CROSS BLUE SHIELD OF MASSACHUSETTS TO PRODUCE SUSAN PIERCE
FOR DEPOSITION**

The Track 1 Defendants to the Amended Master Consolidated Class Action Complaint respectfully move the Court through this emergency motion for an order compelling plaintiff Blue Cross Blue Shield of Massachusetts ("BCBSMA") to produce Susan Pierce for deposition within seven days, and for such other and further relief as the Court deems just and appropriate. The grounds for this motion are set forth in the accompanying memorandum of law and declaration of Adeel Mangi and exhibits thereto.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that counsel for defendants conferred with counsel for BCBSMA regarding the issues addressed in this motion, but were unable to resolve or further narrow the issues.

Dated: October 16, 2006

Respectfully submitted,

/s/ Andrew D. Schau

Andrew D. Schau (admitted *pro hac vice*)

Erik Haas (admitted *pro hac vice*)

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Johnson, Centocor Inc. and Ortho Biotech
Products L.P., on behalf of all defendants to
the Amended Master Consolidated Class
Action Complaint*

CERTIFICATE OF SERVICE

I certify that on October 16, 2006 a true and correct copy of the forgoing THE TRACK 1 DEFENDANTS' EMERGENCY MOTION TO COMPEL PLAINTIFF BLUE CROSS BLUE SHIELD OF MASSACHUSETTS TO PRODUCE SUSAN PIERCE FOR DEPOSITION was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Andrew D. Schau

Andrew D. Schau